

MEMORANDUM

DATE: March 30, 2007

TO: Ms. Sharon L. Summers, DMMA
Policy and Program Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 10 DE Reg. 1436 [Final Retirement Funds Regulations]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA) final regulations establishing the criteria for treatment of pension and retirement funds published as 10 DE Reg. 1436 in the March 1, 2007 issue of the Register of Regulations. SCPD commented on the proposed version of these regulations in November 2006 and DMMA amended the regulations based on our observations.

First, the Council recommended substituting "withdrawals" for "withdraws" in Section 20330.4. DMMA agreed and effected the substitution.

Second, SCPD recommended capitalization of the word "(t)hese in Section 20330.4, last paragraph. DMMA agreed but the final regulation still contains the error.

Third, the Council questioned a representation that "age" is the sole criterion for eligibility under a defined benefit plan. SCPD noted that an individual would have to actually "retire" to receive benefits under an employer's plan. DMMA agreed and amended this paragraph with a variation of the sentence recommended by the Councils.

SCPD certainly appreciates the Division's consideration of Council's comments. In addition, for your information, the capitalization error still appears in the published final regulation.

cc: Mr. Harry Hill
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

